

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TALARI NETWORKS, INC.,  
Petitioner,

v.

FATPIPE NETWORKS INDIA LIMITED,  
Patent Owner.

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Case IPR2016-00976 Patent 6,775,235 B2  
Case IPR2016-00977 Patent 7,406,048 B2<sup>1</sup>

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Before STACEY G. WHITE, MICHELLE N. WORMMEESTER, and  
CHRISTA P. ZADO, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

ORDER

Petitioner's Motion for *Pro Hac Vice* Admission of  
Mr. Thomas F. Fitzpatrick  
*37 C.F.R. § 42.10*

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<sup>1</sup> This Decision addresses the same issues in the above-identified cases. Therefore, we exercise our discretion to issue one Decision to be entered in each of the identified cases. The parties are not authorized to use this style of case caption.

Petitioner, Talari Networks, Inc., filed a motion for *pro hac vice* admission of Mr. Thomas A. Fitzpatrick. IPR2016-00976 Paper 17 (“Mot.”); IPR2016-00977 Paper 17.<sup>2</sup> The filing also included an affidavit from Mr. Fitzpatrick in support of its Motions.<sup>3</sup> *Id.* Petitioner indicates that these Motions are unopposed. *Id.*

Pursuant to 37 C.F.R. § 42.10(c), we may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. A motion for *pro hac vice* admission must contain a statement of facts showing there is good cause for us to recognize counsel *pro hac vice* during the proceeding and be accompanied by an affidavit or declaration of the individual seeking to appear. *See Unified Patents, Inc. v. Parallel Iron, LLC*, IPR2013-00639, slip op. at 3–4 (PTAB Oct. 15, 2013) (Paper 7) (setting forth the requirements for *pro hac vice* admission).

In his affidavit, Mr. Fitzpatrick states he has familiarity with the subject matter at issue in this proceeding, as he has been representing Petitioner in a patent infringement lawsuit involving the patents at issue in these proceedings. Mot. Ex. A ¶ 11. In addition, Mr. Fitzpatrick’s affidavit complies with the other requirements for *pro hac vice* admission. *See Unified Patents*, slip op. at 3–4. Having reviewed Mr. Fitzpatrick’s affidavit, we determine that Mr. Fitzpatrick has sufficient qualifications to represent Petitioner in this proceeding.

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<sup>2</sup> The Motions and supporting Affidavits are identical in substance. For ease of reference we will refer to the filing in IPR2016-00976 unless otherwise indicated.

<sup>3</sup> In the future, such declarations should be filed as separate exhibits.

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Regarding the required showing of good cause, Petitioner asserts that Mr. Fitzpatrick has substantial knowledge regarding (i) the patent challenged in this proceeding, (ii) issues regarding claim construction, and (iii) the content of the prior art references cited by Petitioner in this proceeding. Mot. 2–3; *see* Mot. Ex. A ¶ 11.

For the foregoing reasons, Petitioner has shown good cause for Mr. Fitzpatrick’s *pro hac vice* admission in this proceeding.

#### ORDER

ORDERED that Petitioner’s motion for *pro hac vice* admission of Thomas F. Fitzpatrick is *granted*, and Mr. Fitzpatrick is authorized to represent Petitioner only as back-up counsel in this proceeding;

FURTHER ORDERED that Petitioner is to continue to have a registered practitioner as lead counsel in this proceeding;

FURTHER ORDERED that Mr. Fitzpatrick is to comply with the Office Patent Trial Practice Guide and the Board’s Rules of Practice for Trials, as set forth in Title 37, Part 42 of the Code of Federal Regulations; and

FURTHER ORDERED that Mr. Fitzpatrick is subject to the USPTO’s disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO’s Rules of Professional Conduct set forth at 37 C.F.R. §§ 11.101–11.901.

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